

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL FILE NO. 3:17-CV-37

UNITED STATES OF AMERICA *ex rel.*
TARYN HARTNETT, and DANA
SHOCHED,

Plaintiffs,

vs.

PHYSICIANS CHOICE LABORATORY
SERVICES, DOUGLAS SMITH, PHILIP
MCHUGH AND MANOJ KUMAR,

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on the Stipulation of Dismissal of Claims Against Defendant Philip McHugh filed by the United States, Defendant Philip McHugh and Relators James D. Jenkins, Elizabeth Coyle, and Elizabeth Merry (the “Parties”), pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1) (Doc. 143).

Upon review of the Stipulation of Dismissal, the Settlement Agreement executed by the Parties, and the entire record of this cause, the Court hereby enters the following Order.

IT IS, THEREFORE, ORDERED that:

1. The Court approves the dismissal of the claims and causes of action as set forth in the United States’ Complaint in Intervention (Doc. 38) against only Defendant McHugh, with prejudice as to the United States;

2. The United States and Defendant McHugh shall each bear their own costs and attorney's fees related to the Complaint in Intervention;

3. The Court retains jurisdiction over the claims of Relators Jenkins, Coyle and Merry, pursuant to 31 U.S.C. § 3730(d), to recover reasonable expenses, attorneys' fees, and costs associated with the above-captioned litigation from Defendant McHugh;

4. The Court retains jurisdiction to the extent necessary to enforce the terms of the Settlement Agreement (Doc. 143-1), including but not limited to entry of a Consent Order (Doc. 143-2) in the event of an "Uncured Default," as that term is defined in, and consistent with, the default provisions of the Settlement Agreement;

5. The Court retains jurisdiction over the United States' claims and causes of action against Defendant Douglas Smith; and

6. All other papers or Orders on file in this matter currently under seal shall remain under seal.

SO ORDERED.

Signed: March 26, 2021



Kenneth D. Bell
United States District Judge

